

### **REMARKS**

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

The amendments to the claims are to overcome the various formal objections to the claims. Newly added claim 10 is based upon amended claim 1.

There was an objection to claims 1 and 7 regarding "a first working arm" or "said first horizontal arms." In response to these objections, claims 1 and 7 have been amended to recite "first and second working arms;" "first and second pairs of arms;" and "first end of a first working arm."

In claims 1 and 7, there was an objection to "the distance." In response to this objection, "the distance" was changed to "a distance," in claims 1 and 7.

The amendments to the drawings are to overcome the objections to FIG. 2 of the drawings.

Reference Numerals 24, 24' have been amended to become 27, 28 respective. Reference Numerals 23, 23' have been amended to become 25, 26 respectively. Reference Numeral 33 has been

reinstated and Reference Numeral 35 was cancelled. Reference Numeral 25 has been amended to become Reference Numeral 29.

The newly added claim 10 is based upon claim 1 as amended above in which there is a cancelling out of such terms as "basically horizontal," "uniformly," "horizontal," "which is roughly horizontal," and "pantograph formed by."

Thus, enclosed herewith is an amended FIG. 2 where the above discussed amendments have been made to correct the use of certain reference numerals for different features. These changes to the drawings are the reason why amendments are correspondingly being made to page 4 of the Specification in the manner indicated above.

As to the objections against the use of words "module" and "Oldham joint", the Applicants respond as follows. The term "module" means "element that can be assembled to other similar elements to make a larger assembly." The term "Oldham joint" means simply "Oldham coupling" and is a mechanical element that is clearly known to a person skilled in the art. It is respectfully suggested that the Patent Examiner make a simple search in "images.google" by keying in "Oldham coupling" to find numerous references to such couplings.

As to the rejections under 35 U.S.C. Section 112, claims 1 and 7 have been amended and have been rewritten to comply with the requirements of U.S. practice.

For all the reasons set forth above, the Drawings, the Specification, and all the claims are firmly believed to be in complete compliance with all the requirements of 35 U.S.C. 112. Withdrawal of this ground of rejection is respectfully requested.

The Applicant comments upon the prior art rejection of the claims as follows. First of all, attention is directed to the fact that the Patent Examiner has overlooked a feature of the claimed invention that is not present in *Peeters*. On page 5, lines 2-3 of the Office Action the Patent Examiner reads in *Peeters* "wherein joints 108, 110 are capable of enabling vertical and horizontal movements of the arms 24, 26." This is not correct because *Peeters* discloses in col. 6, lines 7, 8, 14, 50 that joints 108, 110 are vertical hinges, which consequently do not permit the pivoting on the vertical plane, but only on the horizontal plane. According to the Office Action, then the combination of *Allen* with *Peeters* would then provide some of the missing features, i.e. the Y-shaped configuration of the working arms during operation. In *Allen* the rake is shown in operation in figure 5, which corresponds to the configuration of the rake

claimed in the present invention. However the shape shown in this figure is not a Y, but is a V.

In the present application, the precise definition of the shape of the rake working arms during operation is aimed at solving a significant problem. (See page 4 of the present Specification).

"In this way (as may be seen in the figures) at least one of the terminal rake wheels of the longer arm (in Figure 2, the wheel 23 of the arm 21) comes to surmount at least one of the terminal wheels connected to the other arm (in Figure 2, the wheel 24 of the arm 22). During operation, this surmounting action enables overturning and removal of all the material, grass, hay and the like, over which the rake passes."

The prior art fails to recognize this problem which problem is not solved by the combination of the teachings of *Peeters* and *Allen*. This problem is solved by the claimed invention by the structure clearly recited in the claims.

Moreover there is no teaching, no suggestion and no motivation in *Allen* to combine the teachings with the rake of *Peeters* to arrive at a solution as is claimed. In reading *Allen*, a person skilled in the art would not find any suggestion to

combine the structure of *Allen* with that of *Peeters*, since in *Allen* and *Peeters* the working arms are differently hinged. In *Peeters* both arms are hinged at their ends, whereas in *Allen* the working arms are both hinged at an intermediate point.

The suggestion to make one of the working arms longer than the other cannot be derived from the prior art. Instead, it is only derived from an ex-post-facto consideration with knowledge of the solution claimed in the present application. This is using "hindsight" to reconstruct the claimed invention based upon the Applicant's own teachings.


The use of the teaching of an Oldham coupling in *Moshi* to combine with *Peeters* and *Allen* is respectfully traversed. The Oldham coupling in *Moshi* is used in a power transmission shaft of a mower, whereas the Oldham coupling in the present invention is used to axially displace the working arms. Thus, *Moshi* is nonanalogous prior art.

For all the reasons set forth above, the present invention, and all the claims are firmly believed to be patentable over all the prior art applied by the Patent Examiner under 35 U.S.C. 103. Withdrawal of this ground of rejection is respectfully requested.

A prompt notification of allowability is respectfully requested.

Respectfully submitted,  
Adelmo GIOVANNINI

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

  
Allison C. Collard, Reg. No. 22,532  
Edward R. Freedman, Reg. No. 26,048  
William C. Collard, Reg. No. 38,411  
Attorneys for Applicant

ERF:lgh

Enclosures: 1. Revised drawing FIG. 2 "Replacement Sheet"  
2. Copy Petition 3 Month Extension of Time (Small Entity)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 30, 2008.

  
Amy Klein